



Rule(s) Review Checklist Addendum
(This form must be filled out electronically.)

This form is to be used only if the rule(s) was/were previously reviewed, and has/have not been amended/repealed subsequent to that review.

All responses should be in **bold** format.

Document Reviewed (include title): **WAC 458-20-187**
Coin operated vending machines,
amusement devices and service machines.

Date last reviewed: **10/13/1997**

Current Reviewer: **JoAnne Gordon**

Date current review completed: **March 12, 2002**

Is this document being reviewed at this time because of a taxpayer or association request? (If "YES", provide the name of the taxpayer/association and a brief explanation of the issues raised in the request). **YES** ☐ **NO** ☒

Type an "x" in the column that most correctly answers the question, and provide clear, concise, and complete explanations where needed.

1. Briefly describe the subject matter of the rule(s):

WAC 458-20-187 explains how tax applies to persons operating coin-operated vending machines, amusement devices, and/or service machines. The rule defines the terms "vending machines," "amusement devices," and "service machines." It discusses how each type of machine or device is subject to tax. For those machines or devices through which retail sales are made, the rule explains how to determine the taxable amount.

2. Related statutes, interpretive statements, court decisions, BTA decisions, and WTDs: (Excise Tax Advisories (ETAs), Property Tax Advisories (PTAs), Property Tax Bulletins (PTBs) and Audit Directives (ADs) are considered interpretive statements.)

YES	NO	
	X	Are there any statutory changes subsequent to the previous review of this rule that should be incorporated?
	X	Are there any interpretive statements not identified in the previous review of this rule that should be incorporated? (An Ancillary Document Review Supplement should be completed for each and submitted with this completed form.)
	X	Are there any interpretive statements that should be repealed because the information is currently included in this or another rule, or the information is



		incorrect or not needed? (An Ancillary Document Review Supplement should be completed for each and submitted with this completed form.)
	X	Are there any Board of Tax Appeal (BTA) decisions, court decisions, or Attorney Generals Opinions (AGOs) subsequent to the previous review of this rule that provide information that should be incorporated into this rule?
	X	Are there any administrative decisions (e.g., Appeals Division decisions (WTDs)) subsequent to the previous review of this rule that provide information that should be incorporated into the rule?
	X	Are there any changes to the recommendations in the previous review of this rule with respect to any of the types of documents noted above? (An Ancillary Document Review Supplement should be completed if any changes are recommended with respect to an interpretive statement.)

If the answer is “yes” to any of the questions above, identify the pertinent document(s) and provide a brief summary of the information that should be incorporated into the document.

None.

3. Additional information: Identify any additional issues (other than that noted above or in the previous review) that should be addressed or incorporated into the rule. Note here if you believe the rule can be rewritten and reorganized in a more clear and concise manner.

WAC 458-20-187 identifies machines that provide laundry and cleaning services as examples of vending machines. When the rule is revised, a reference should be incorporated directing persons operating coin-operated laundry facilities to WAC 458-20-165 (Laundries, dry cleaners, self-service laundries and dry cleaners).

4. LISTING OF DOCUMENTS REVIEWED: The reviewer need identify only those documents that were not listed in the previous review of the rule(s). (Use “bullets” with any lists, and include documents discussed above. Citations to statutes, interpretive statements, and similar documents should include titles. Citations to Attorneys General Opinions (AGOs) and court, Board of Tax Appeals (BTA), and Appeals Division (WTD) decisions should be followed by a brief description (i.e., a phrase or sentence) of the pertinent issue(s).)

Statute(s) Implemented: **None.**

Interpretive statements (e.g., ETAs and PTAs): **None.**

Court Decisions: **None.**

Board of Tax Appeals Decisions (BTAs): **None.**

Administrative Decisions (e.g., WTDs):



Det. No. 99-177, 19 WTD 350 (2000). For the purposes of determining who was responsible for collecting retail sales tax, determination concluded that the taxpayer was the operator of coin-operated laundry machines it placed in apartment buildings. Because the taxpayer did not relinquish control and dominion of equipment so as to constitute a rental of tangible personal property, the agreement was considered a license to use real estate. For periods after July 1, 1998, this determination was reversed by a 1998 law change excluding coin-operated laundry facilities operated for the exclusive use of tenants at apartment houses, rooming houses, or mobile home parks from the definition of a retail sale.

Attorney General's Opinions (AGOs): **None.**

Other Documents (e.g., special notices or Tax Topic articles, statutes or regulations administered by other agencies or government entities, statutes, rules, or other documents that were reviewed but were not specifically relevant to the subject matter of the document being reviewed):

- **Vending Machine Sales: Part I - food items and retail sales tax, Tax Topics, Oct.-Dec. 1994**
- **Vending Machine Sales: Part II - non-food items and retail sales tax, Tax Topics, April.-June 1995**

4. Review Recommendation:

<u> X </u>	Amend
<u> </u>	Repeal (Appropriate when repeal is not conditioned upon another rule-making action.)
<u> </u>	Leave as is (Appropriate even if the recommendation is to incorporate the current information into another rule.)
<u> </u>	Begin the rule-making process for possible revision. (Applies only when the Department has received a petition to revise a rule.)

Explanation of recommendation: Provide a brief summary of your recommendation, whether the same as or different from the original review of the document(s). If this recommendation differs from that of the previous review, explain the basis for this difference.

If recommending that the rule be amended, be sure to note whether the basis for the recommendation is to:

- Correct inaccurate tax-reporting information now found in the current rule;
- Incorporate legislation;
- Consolidate information now available in other documents (e.g., ETAs, WTDs, court decisions); or



- Address issues not otherwise addressed in other documents (e.g., ETAs, WTDs, court decisions).

This recommendation to amend WAC 458-20-187 is consistent with the previous review. In addition to incorporating the ancillary documents noted in the previous review, a reference to WAC 458-20-165 should be incorporated for persons operating coin-operated laundry facilities. In addition, the rule should be drafted in the format currently used for the Department's other excise tax rules.

5. Manager action: Date: _____

_____ Reviewed and accepted recommendation

Amendment priority:

_____ 1
_____ 2
_____ 3
_____ 4